

# HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Department of Homeland Security and Emergency Management hereby amends Chapter 2, “Petitions for Rule Making,” Iowa Administrative Code.

These amendments implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department and update the physical address of the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 14, 2015, as **ARC 2188C**. A public hearing was held on November 3, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on November 18, 2015.

After analysis and review of this rule making, no impact to jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective on January 13, 2016.

The following amendment is adopted.

Amend **605—Chapter 2** as follows:

## CHAPTER 2 PETITIONS FOR RULE MAKING

**605—2.1(17A) Petition for rule making.** Any person or agency may file a petition for rule making with the ~~division~~ department at the Homeland Security and Emergency Management ~~Division~~ Department, ~~7105 NW 70th Avenue~~ 7900 Hickman Road, Camp Dodge Building W4 Suite 500, Johnston Windsor Heights, Iowa 50134 50324. A petition is deemed filed when it is received by that office. The ~~division~~ department must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the ~~division~~ department an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

HOMELAND SECURITY AND EMERGENCY MANAGEMENT <del>DIVISION</del> <u>DEPARTMENT</u>	
Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).	<div style="font-size: 4em; vertical-align: middle;">}</div> <div style="vertical-align: middle;">PETITION FOR RULE MAKING</div>

The petition must provide the following information:

1. No change.
2. A citation to any law deemed relevant to the ~~division's~~ department's authority to take the action urged or to the desirability of that action.
3. to 6. No change.
- 2.1(1)** No change.
- 2.1(2)** The homeland security and emergency management ~~division~~ department may deny a petition because it does not substantially conform to the required form.

**605—2.2(17A) Briefs.** The petitioner may attach a brief to the petition in support of the action urged in the petition. The homeland security and emergency management ~~division~~ department may request a brief from the petitioner or from any other person concerning the substance of the petition.

**605—2.3(17A) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to the ~~Administrator~~ Director, Homeland Security and Emergency Management ~~Division~~ Department, ~~7105 NW 70th Avenue~~ 7900 Hickman Road, Camp Dodge Building W4 Suite 500, Johnston Windsor Heights, Iowa 50131 50324.

**605—2.4(17A) Consideration.**

**2.4(1)** Within 14 days after the filing of a petition, the ~~division~~ department must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the homeland security and emergency management ~~division~~ department must schedule a brief and informal meeting between the petitioner and the ~~division~~ department, a member of the ~~division~~ department, or a member of the staff of the ~~division~~ department to discuss the petition. The homeland security and emergency management ~~division~~ department may request the petitioner to submit additional information or argument concerning the petition. The ~~division~~ department may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the homeland security and emergency management ~~division~~ department by any person.

**2.4(2)** Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the homeland security and emergency management ~~division~~ department must, in writing, deny the petition and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the ~~division~~ department mails or delivers the required notification to petitioner.

**2.4(3)** Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the ~~division's~~ department's rejection of the petition.

These rules are intended to implement Iowa Code chapter 17A.

[Filed 11/18/15, effective 1/13/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/9/15.